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April 7, 2000

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
445 - Twelfth Street, S.W.
Room TW-A325
Washington, D.C. 20554

Re: *Notice of Ex Parte Communication*
WT Docket No. 99-168

Dear Ms. Salas:

This letter serves as notice that on April 6, 2000, Peter Cramton, Paul Milgrom and Larry Ausubel of Spectrum Exchange Group, LLC ("Spectrum Exchange"), along with the undersigned, met with the following Commission personnel to discuss matters relating to Spectrum Exchange's proposal for a private auction to facilitate clearing incumbent broadcast stations from the 746-806 MHz band (the "700 MHz band") to allow for earlier initiation of new wireless services in that band:

Office of the Chairman: Ari Fitzgerald
Office of Commissioner Ness: Commissioner Susan Ness and Mark Schneider
Office of Commissioner Furchtgott-Roth: Commissioner Harold Furchtgott-Roth and
Bryan Tramont
Office of Commissioner Tristani: Adam Krinsky
Cable Services Bureau: William Johnson, Deborah Klein and Eloise Gore
Office of Plans and Policy: Robert Pepper, Evan Kwerel and John Williams

The attached written presentation was distributed at each meeting and served as the basis for the discussion, which centered around actions that Spectrum Exchange believes the Commission should take to facilitate clearing of the 700 MHz band.

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Ms. Magalie Roman Salas
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Pursuant to Section 1.1206(b) of the Commission's rules, an original and one copy of this letter and attachment are being filed with your office. Please associate this letter with the public record for the above-captioned proceeding.

Should you have any questions regarding this matter, please contact the undersigned.

Sincerely,

WILKINSON BARKER KNAUER, LLP

A handwritten signature in black ink, appearing to read 'J. Cohen', with a long horizontal flourish extending to the right.

By: Jonathan V. Cohen
Counsel for Spectrum Exchange Group, LLC

Attachment

cc (w/att.): Commissioner Susan Ness
Commissioner Harold Furchtgott-Roth
Ari Fitzgerald
Mark Schneider
Bryan Tramont
Adam Krinsky
William Johnson
Deborah Klein
Eloise Gore
Robert Pepper
Evan Kwerel
John Williams



www.spectrum-exchange.com

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market design inc.

www.market-design.com

The Spectrum Exchange Auction

A presentation by

Spectrum Exchange Group, LLC

Peter Cramton, Chairman

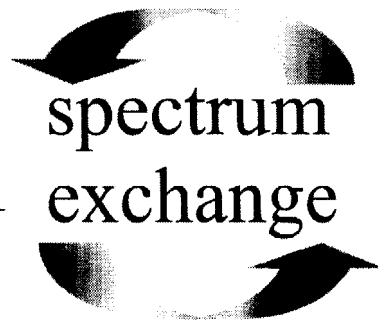
Lawrence Ausubel, Co-President

Paul Milgrom, Co-President

6 April 2000

Agenda

- Overview
- Importance of Early Clearing Agreements
- The Spectrum Exchange Auction
- How the Commission Can Facilitate Clearing
 - FCC Approval for Clearing
 - Continuing Cable Carriage
 - Relocation to Lower Channels
- The Importance of Acting *Now*



- Spectrum Exchange mission:
“To create value for the public by promoting the efficient exchange of spectrum.”
- Spectrum Exchange formed by the principals of Market Design Inc., the world leader in the design of high-stakes auction markets:
 - Peter Cramton, Chairman
 - Larry Ausubel, Co-President
 - Paul Milgrom, Co-President
 - Preston McAfee, Treasurer

Overview

- FCC to auction 30 MHz in 700 MHz band on June 7, 2000
- 700 MHz spectrum has excellent propagation characteristics (can penetrate walls, etc.) and offers potential for wireless competition in broadband market
- Spectrum is encumbered by existing UHF broadcasters, blocking use by new licensees in most major markets
- Spectrum is worth *much* more if clear of incumbent broadcasters

Overview (continued)

- New broadband services in 700 MHz band require that broadcast operations in the band be cleared before end of DTV transition
- Spectrum Exchange will conduct a private auction for the purpose of clearing the encumbered spectrum
- The Spectrum Exchange Auction will enable bidders in the FCC's 700 MHz Auction to bid with confidence that the spectrum will be cleared at an early date — and at a known cost

Importance of Early Clearing Agreements

- If incumbent broadcasters are not encouraged to enter clearing agreements before the FCC's auction, they will be in a position to hold out for the entire value of the cleared spectrum
 - Holdout will delay or prevent efficient spectrum use, destroying public value. Anticipating this, bidders in the FCC auction will bid very low
 - Bidders may delay or alter their investment plans to limit hold-ups.
 - Winning bidders may be those best able to deal with incumbents, rather than those best qualified to use the spectrum.
- Introducing one or more “comparable” stations to the clearing auction dramatically improves the situation
 - The competition shifts the bargaining away from the value of the cleared spectrum and toward the cost of clearing
 - The clearing auction will induce clearing of stations with lowest value programming, thus limiting the loss of broadcast service

Example of Relocation: Chicago

- Four stations, which collectively encumber 100% of the commercial band, are needed to clear
 - WEHS 60 (Aurora, IL): broadcasts off Sears Tower
 - WJYS 62 (Hammond, IN): broadcasts 24 miles from Chicago (and its DT counterpart is licensed to broadcast off Sears Tower)
 - WGB0 66 (Joliet, IL): broadcasts off Hancock Tower
 - WEHS-DT 59 (Aurora, IL): licensed to broadcast off Sears Tower
- However, there is a total of 9 comparable analog stations (the 3 above, plus 6 other analog UHF stations) that could clear

Chicago: UHF 60, 62, 66, 66, 59DT



The Mechanics of the Clearing Auction

- Spectrum Exchange will enter into contracts with applicants in the FCC Auction and with incumbent broadcasters
 - FCC applicants will agree to pay for clearing at a price determined by the private auction
 - Cost-sharing: 2/3 by winner of D license; 1/3 by winner of C license, nothing by public safety
 - Broadcasters would agree to make their bids in the private auction contractually binding
 - Incumbent broadcasters (Channels 59–69) will receive incentive payments in return for their commitment to clear or relocate, to compensate them for the cost of relocating
 - If an incumbent broadcaster (Channels 59–69) wins the private auction, then it receives both the incentive payment and the amount determined by the private auction

The Mechanics of the Clearing Auction (cont.)

- The auction identifies stations that can clear at lowest cost
- The auction proceeds as a “descending clock”: the auction begins with the auctioneer naming a high price and allowing it to descend toward zero
- Stations would periodically indicate whether they are “in” at the current price (*i.e.*, willing to clear at that price) or “out”
- The auction concludes when only as many stations as are needed to clear remain in the auction

How Can The FCC Facilitate Clearing?

- Allow early transition to DTV-only
- Assure transitioning broadcasters of continuing cable carriage
- Establish relocation rule for channel 59-69 broadcasters

FCC Approval for Clearing

- ¶ 145 of *First Report and Order*: “We will consider specific regulatory requests needed to implement voluntary agreements reached between incumbent licensees and new licensees in these bands.
- If a broadcaster in channels 59–69 wishes to transition to DTV-only broadcasts before the end of the statutory transition period and if the broadcaster satisfies the Commission’s criteria for clearing, the Commission should expeditiously approve the broadcaster’s request

Cable Carriage

- The 700 MHz spectrum is badly suited for the UHF television transmissions encumbering it. Most viewers of channel 59–69 stations today receive the signals through cable systems (or DBS), not by over-the-air transmissions
- *Example:* WRNN (Ch. 62, Kingston NY) has an over-the-air reach of only 250,000 homes but is transmitted through cable systems to 2.4 million households (*The New York Times*, April 26, 1998)
- Broadcasters will not transition to DTV early unless they are assured of continuing cable carriage
- There should be no artificial incentives for broadcasters to encumber the 700 MHz spectrum
- Broadcasters who end their over-the-air analog broadcasting should be assured that they will not lose cable carriage

Relocation to Lower Channels

- If a station in 59–69 does not wish to clear, but if another comparable station below 59 is willing to clear in its place, the station in 59–69 should be obliged to relocate to the cleared lower channel
- The clearing process will then focus on the cost of clearing, rather than on the value of clear spectrum

The Importance of Acting *Now*

- The 700 MHz auction could be a dismal failure without a path for clearing in place
 - New broadband services in the 700 MHz spectrum may be delayed or may never be initiated
 - Broadcasters would demand exorbitant clearing prices post-auction, while public receives lower revenues from the auction
 - Some potential bidders may be deterred while others alter their system investments to improve their bargaining position.
- Clear signals from the FCC will facilitate a pre-auction solution between the incumbent broadcasters and the new licensees

For Further Information

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